

United States Patent and Trademark Office
- Sales Receipt -

01/06/2006 MMAY22 00000004 191345 10696760

01 FC:2814 65.00 DA

Law Offices of

SENNIGER POWERS

One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102

Telephone (314) 231-5400

Facsimile (314) 231-4342

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 01/06/06 FILE NUMBER: USO 4571.3PTO FACSIMILE NUMBER: 571 273-0621PLEASE DELIVER THIS FACSIMILE TO: Alton N. PryorTHIS FACSIMILE IS BEING SENT BY: Timothy B. McBrideNUMBER OF PAGES: 5 INCLUDING COVER SHEETTIME SENT: 10:32AM CST OPERATOR'S NAME Sharon

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to
the Patent and Trademark Office on the date shown below.

Sharon L. Myers

Typed or printed name of person signing certification

Sharon L. Myers
SignatureJanuary 6, 2006

Date

Type of paper transmitted: Terminal Disclaimer and Fee TransmittalApplicant's Name: Roy E. Wuthier et al.Serial No.: 10/696,760 Examiner: Alton N. PryorFiling Date: 10/29/03 Art Unit: 1616 Confirmation No.: 6691Application Title: FC101 AND ANALOGS AS A METHOD OF TREATMENT
FOR CANCER

IF YOU DO NOT RECEIVE ALL PAGES CLEARLY, CALL BACK AS SOON AS
POSSIBLE. CONFIRMING NUMBER IS (314) 231-5400.

USO 4571.3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Roy E. Wuthier et al. Art Unit 1616
Serial No. 10/696,760
Filed October 29, 2003
Confirmation No. 6691
For FC101 AND ANALOGS AS A METHOD OF TREATMENT FOR CANCER
Examiner Alton Nathaniel Pryor

January 6, 2006

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owner, University of South Carolina, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,225,340. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a

USO 4571.3
PATENT

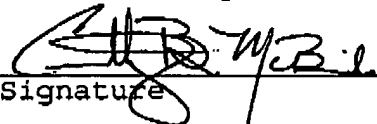
court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

January 6, 2006
Date


Signature

Timothy B. McBride
Typed or Printed Name

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

☒ PTO suggested wording for terminal disclaimer was

☒ unchanged

☐ changed (if changed, an explanation should be supplied)

Via Facsimile (571) 273-0621

FEE TRANSMITTAL

Application Number 10/696,760
Filing Date October 29, 2003
Inventor(s) Roy E. Wuthier et al.
Examiner Name Alton N. Pryor
Attorney Docket Number USO 4571.3

Art Unit 1616
Confirmation No. 6691

☒ Applicant claims small entity status.

METHOD OF PAYMENT

- ☒ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.
- ☐ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. ☐ BASIC FILING, SEARCH AND EXAMINATION FEES
(Type: _____) Subtotal (1) \$ _____

2. ☐ EXCESS CLAIM FEES

Total Claims ____ - ____ (HP) = 0 x Fee ____ = \$0.00
Indep Claims ____ - ____ (HP) = 0 x Fee ____ = \$0.00
Multiple Dependent Claims Fee \$ _____
(HP = highest number of claims paid for)

Subtotal (2) \$0.00

3. ☐ APPLICATION SIZE FEE

Total Pages N/A - 100 = NaN ÷ 50 = 0 x \$250 = \$0.00
(Application + Drawings) (round up to whole #)

Subtotal (3) \$0.00

4. ☒ OTHER FEE(S)

☐ _____ month extension of time
☐ Information disclosure statement
☐ 37 CFR 1.17(q) processing fee
☐ Non-English specification
☐ Notice of Appeal
☐ Filing a brief in support of appeal
☐ Request for oral hearing
☒ Other: Terminal Disclaimer

Subtotal (4) \$65.00

TOTAL AMOUNT OF PAYMENT \$65.00


Timothy B. McBride
Reg. No. 4781

01/06/06

Date

Telephone: 314-231-5400

TBM/sxm

Rv Facsimile (571) 273-0621

FEE TRANSMITTAL

Application Number 10/696,760
Filing Date October 29, 2003
Inventor(s) Roy E. Wuthier et al.
Examiner Name Alton N. Pryor
Attorney Docket Number USO 4571.3

Art Unit 1616
Confirmation No. 6691

☒ Applicant claims small entity status.

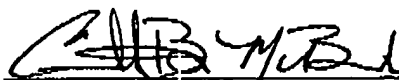
METHOD OF PAYMENT

- ☒ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.
- ☐ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. ☐ BASIC FILING, SEARCH AND EXAMINATION FEES
(Type: _____) Subtotal (1) \$ _____
2. ☐ EXCESS CLAIM FEES
- Total Claims ____ - ____ (HP) = 0 x Fee ____ = \$0.00
Indep. Claims ____ - ____ (HP) = 0 x Fee ____ = \$0.00
Multiple Dependent Claims Fee \$ _____
(HP = highest number of claims paid for)
- Subtotal (2) \$0.00
3. ☐ APPLICATION SIZE FEE
- Total Pages N/A - 100 = NaN ÷ 50 = 0 x \$250 = \$0.00
(Application + Drawings) (round up to whole #)
- Subtotal (3) \$0.00
4. ☒ OTHER FEE(S)
- ☐ _____ month extension of time
☐ Information disclosure statement
☐ 37 CFR 1.17(q) processing fee
☐ Non-English specification
☐ Notice of Appeal
☐ Filing a brief in support of appeal
☐ Request for oral hearing
☒ Other: Terminal Disclaimer
- Subtotal (4) \$65.00

TOTAL AMOUNT OF PAYMENT \$65.00


Timothy B. McBride
Reg. No. 47784

01/06/06

Date

Telephone: 314-231-5400

TBM/sxm